

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION



(See Issuing Division below)



PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the Permittee upon acceptance of the permit.			
Permit No. 0301-93-0004.3, 0301-93-0004.4, 0301-93-0004.5, 0301-93-0004.6		Application No.	
Issuance Date MAR 15 2002	Effective Date MAR 15 2002	Expiration Date MAR 15 2007	
Name and Address of Applicant New Jersey Department of Transportation 1035 Parkway Ave. Trenton, NJ 08625	Name and Address of Owner Applicant	Name and Address of Operator Applicant	
Location of Activity/Facility (Street Address) Rt. 9 Bridge Replacement over the Bass River Bass River Twp., Burlington Co., NJ Waterway: Bass River Creek	Issuing Division Land Use Regulation Program	Statute(s) NJSA 13:9-1 NJSA 13:9B-1 NJSA 12:5-3 NJSA 13:9A-1	
Type of Permits: CAFRA, Freshwater Wetlands Individual Permit, Waterfront Development Permit, Coastal Wetlands Permit & Water Quality Certificate		Maximum Approved Capacity, if applicable	
<p>This permit grants permission to: Replacement of the existing U.S. Route 9 bridge over the Bass River Creek and realignment of the approach roadway to the bridge located in Bass River Township, Burlington County. Mitigate for the loss of 0.2890 acres of freshwater, coastal wetlands and State open waters. Restore temporary impacts to 0.034 acres of freshwater emergent wetlands at same location at a 1 to 1 ratio.</p> <p>Issuance of this permit is in no way construed as a relinquishment by the State of New Jersey of any tidelands right, title or interest in the subject property or in any land surrounding it.</p> <p>This permit is authorized under and in compliance with the applicable Rules on Coastal Zone Management (N.J.A.C. 7:7E-1.1 et seq.) provided permit conditions contained herein are met.</p> <p>The Permittee shall allow an authorized representative of the Department of Environmental Protection the right to inspect construction pursuant to N.J.A.C. 7:7-1.5(b)4.</p> <p>The plans hereby approved shall consist of the set of twenty-three (23) sheets of drawings entitled "STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION PLANS OF ROUTE US9 (1953) SECTION 17B CONTRACT NO. 5689961783 BRIDGE OVER BASS RIVER FROM VICINITY OF GARDEN STATE PARKWAY TO VICINITY OF W. GREENBUSH ROAD GRADING, PAVING AND STRUCTURES TOWNSHIP OF BASS RIVER COUNTY OF BURLINGTON NJDEP LAND USE REGULATION PERMITS" prepared under the direction of Andrew C. Coates, N.J.P.E. for Hardestry & Hanover, LLP and dated August 1, 2001, unless otherwise noted.</p> <p>Sheet # 2 is further identified as "PLAN SHEET INDEX", Sheet #s 3-7 are further identified as "FOR LAND USE REGULATION PROGRAM PERMITS", Sheet #s 8- 11 are further identified as "PROFILES", Sheet # 12 is further identified as "METHOD OF CROSS SECTIONS", Sheet #s 13-25 are is further identified as "CROSS SECTIONS".</p>			
Prepared by: <u>Andrew D. Gale</u> Andrew D. Gale, Project Manager			
Revised Date	Approved by the Department of Environmental Protection		
	Name (Print or Type)	Title	
	Signature	Date	
	SEE FINAL PAGE		

*The word permit means "approval, certification, registration, etc."

(General Conditions are on Page Two)

Coastal Permit General Conditions

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgment of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. ~~The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.~~
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

ADMINISTRATIVE CONDITIONS

Prior to initiation of site preparation for the following four conditions:

1. The Permittee shall obtain a Tidelands grant, lease, or license to legalize existing stone pad below Mean high water line. Failure to comply with this condition will result in fines of up to \$1,000.00 plus \$100.00 per day, a higher fee for the conveyance and possible prosecution by the Attorney General's Office to remove unauthorized structures and to pay use and occupancy charges.
2. This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Land use Regulation program immediately thereafter.
3. This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting And agreeing to adhere to all permit conditions, and returned to the Land Use Regulation Program at P.O. Box 439, Trenton, NJ 08625.
4. PRIOR TO ANY CONSTRUCTION ACTIVITIES, the Permittee must obtain a Department of the Army authorization. You are advised to contact the Philadelphia District at (215) 656-6728.
5. PRIOR TO ANY CONSTRUCTION ACTIVITIES, the Permittee must obtain the U.S. Coast Guard's approval for the proposed project.
6. This permit is issued subject to and accordance with a Memorandum of Agreement between the Federal Highway Authority, the New Jersey Department of Transportation and the New Jersey Historic Preservation Office dated April 12, 1998.

7. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work for the storage or staging of construction materials (including spoil piles), equipment, and workers vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers.
8. In order to avoid degradation of the water quality in the streams receiving stormwater runoff from the roadway, the stormwater management system shall require periodic inspections and maintenance. The Permittee is advised to conduct additional inspections, and maintenance of the inlets as necessary following major storm events.
9. The project must meet Soil Erosion and Sediment Control Standards and be approved by the Soil Conservation District. The applicant shall be responsible for daily inspections of the project area to determine if the erosion control measures are functioning as intended.
10. Any acid soils encountered must be stockpiled separately from non-acid soils as excavation proceeds. Acid soils, if present must be handled in accordance with the NJDEP Stream Encroachment Technical Manual, Section 3.6, and the requirements of the Burlington County Soil Conservation District.

- ⑪ Construction vehicle traffic shall be minimized in wetlands and wetlands transition areas to be temporarily disturbed. No storage of chemicals, oil, fuel or refueling of equipment shall occur within 100 feet of the wetlands along the project route.

TURBIDITY AND SEDIMENTATION CONDITIONS

12. PRIOR TO COMMENCEMENT OF DEMOLITION OF ANY PORTION OF THE EXISTING BRIDGE AND ITS SUPPORT STRUCTURE INCLUDING THE PIER AND FENDER SYSTEMS, the Permittee is required to provide a demolition plan for review and written approval from the Program. This plan shall include the following: 1) a shield to prevent falling material from entering the water during removal of the superstructure; 2) pile removal will include cutting at the mud line if the entire removal of the pile can not be easily accomplished without disturbing the stream bottom; 3) A turbidity barrier/silt curtain will be placed around all work areas. The barrier shall not restrict the flow of the Bass River by more than 50% of its cross-section.
13. ✓ Turbid water from cofferdam and/or pier construction area dewatering will be routed to land based sediment basins. The dewatering will be routed through filter bags (dirt bags) prior to discharge to the land-based dewatering basins.
14. ✓ The temporary dewatering basins shall be sized to provide retention of water for a period of 24 hours to ensure settling of suspended particulates prior to return discharge. The return water will be discharged to an area of the stream that is encompassed by turbidity barrier.
15. PRIOR TO CONSTRUCTION OF THE MITIGATION AREA, silt fences shall be installed to encompass all wetland creation work areas with potential for creating silt/sediment.
16. ✓ Equipment in the wetland areas shall work from timber matting to eliminate the suspension of sediment from wheels or treads.
17. Connection between the regraded mitigation site and the tributary stream shall be made last after all grading work is completed so that the discharge of turbid water is minimized.
18. Mitigation shall be required by the Permittee if any negative impacts occur to the oyster beds as a result of this proposed project.

19. **PRIOR TO START OF CONSTRUCTION**, the Permittee shall consult with the NJDEP Bureau of Shellfisheries, which may be reached at 609-748-2021, to provide a monitoring plan for review and approval by the Program. The monitoring plan shall include locations and timing for the monitoring.

PHYSICAL CONDITIONS

1. All disturbed areas shall be planted with a mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses. The use of one of these mixtures will permanently stabilize the soil and enhance the environment. Your local soil conservation service can provide information on the appropriate mixture based on the planting date and drainage.
- ✓ 2. To protect the anadromous fish run during migration and spawning a timing restriction of March 1 to June 30, prohibiting in-water construction activities is imposed to reduce the possibility of increases turbidity.
- 3. All excavated materials must be disposed of at an approved site. Under no circumstances is excess material to be disposed of in wetlands, transition areas to wetlands, stream corridors, or other environmentally sensitive areas.
- 4. The Permittee shall maintain all soil erosion and turbidity controls for the life of the project and these Controls shall be put in place prior to any construction activities. The silt curtain with wire backing (similar to the curtains used at the Nacote Creek Project) shall be placed next to the wetlands.
- 5. The Permittee shall document and mitigate for any loss of Submerged Vegetation Habitat
- 6. The Permittee shall monitor for suspended sediments in the water column on a daily basis when construction/demolition is taking place. If during the oyster spawning season from June through August, a large sediment plume is detected, which is causing negative impacts to the oyster beds, then the project must cease until more appropriate preventative measures are put in place.

MITIGATION CONDITIONS:

The following special conditions must be met for the activity to be authorized under these permits:

1. Mitigate for the loss of 0.0035 acres of State open waters, 0.2415 acres of freshwater emergent wetlands, 0.0022 acres of forested wetlands and 0.0418 coastal wetlands through either an on-site or off-site creation, restoration or enhancement project as detailed in condition number 3 below or through the purchase of mitigation credits as detailed in condition 2 below. In addition, there will be temporary impacts of approximately 0.034 acres of freshwater emergent wetlands during construction. These areas must be restored at same location at a 1 to 1 ratio.
2. The mitigation for the loss of wetland/waters is shown on project plans entitled "STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION PLANS OF ROUTE US9 (1953) SECTION 17B CONTRACT NO. 5689961783 BRIDGE OVER BASS RIVER FROM VICINITY OF GARDEN STATE PARKWAY TO VICINITY OF W. GREENBUSH ROAD GRADING, PAVING AND STRUCTURES TOWNSHIP OF BASS RIVER COUNTY OF BURLINGTON NJDEP LAND USE REGULATION PERMITS" prepared under the direction of Andrew C. Coates, N.J.P.E. for Hardesty & Hanover, LLP

and dated January 18, 2002, unless otherwise noted. "FOR LAND USE REGULATION PROGRAM PERMITS", and a proposal entitled "State of New Jersey Department of Environmental Protection Proposal Creation, Restoration or Enhancement Freshwater Wetland Mitigation Project: Route 9, Section 17B over the Bass River Bass River Township, Burlington County Route US 9 Section 17 and Block 41A Lots 2, 3 NJDEP File No. 0301-93-0004.3-6" submitted on January 24, 2002. Any changes to the approved plans and proposal other than those listed below must be reviewed and approved by the Program.

3. The Program will not accept any occurrence of *Phragmites* spp. in the mitigation area prior to the demonstration of success. Throughout the monitoring period, the Permittee must eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site.
4. Submit for review and approval copies of the draft construction specification document that only pertains to the wetland restoration, creation and enhancement activities. Once approved by the Program, submit copies of the mitigation section of the final construction bid document.
5. Once the construction contract is awarded provide a breakdown of the mitigation construction and planting costs.
6. PRIOR TO THE COMMENCEMENT OF SITE CONSTRUCTION provide a copy of the executed conservation restriction using the attached draft language.
7. Provide a minimum of six inches of top-soil with at least 4% organic carbon content (by weight) incorporated into the A-horizon in the wetland creation areas.
8. Prior to the commencement of construction, provide documentation that NJDOT has established a stable funding source for any potential remediation of the constructed wetland mitigation project. Said documentation must demonstrate that adequate funding is available for the duration of the 5-year monitoring period if it becomes necessary to address corrective actions such as re-planting, re-grading, invasive species control, etc.
9. The mitigation project must be conducted prior to or concurrent with the construction of the approved project.
10. The Permittee shall complete and sign the Department approved conservation restriction for the mitigation site (copy attached). The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the wetland mitigation proposal.
11. The Permittee shall notify the Land Use Regulation Program, in writing, at least 14 days in advance of the start of construction of the wetland mitigation project for an on-site pre-construction meeting between the Permittee, the contractor, the consultant and the Program.
12. The mitigation designer must be present during critical stages of construction of the mitigation project this includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection.
13. Immediately following final grading of the site, a disc must be run over the site to eliminate compaction. The mitigation designer must be present to oversee this phase of the project and confirm with the Department this activity has occurred prior to planting of the site.

14. Immediately following the final grading of the mitigation site and prior to planting, the Permittee shall notify the Program for a post-grading construction meeting between the Permittee, contractor, consultant and the Program.

15. Immediately following final grading and planting of the wetland mitigation project, the Permittee shall notify the Land Use Regulation Program, in writing that the construction of the mitigation project has been completed in accordance with the approved plan. In addition to the notice, the Permittee shall submit as built plans of the site and photos with a photo location map of the completed project.

16. The Permittee shall post the mitigation area with several permanent signs, which identify the site as a wetland mitigation project and that mowing, cutting, dumping and draining of the property is prohibited. The sign must also state the name of the engineering/environmental firm that designed and constructed the mitigation site with a phone number. In addition, the Permittee shall visibly mark/staked (oak stakes) the extent of the wetland mitigation area and ensure the stakes remain that way for the entire monitoring period with the location of those stakes shown on the as built plan.

17. If the Program determines that the mitigation project is not constructed in conformance with the approved plan, the Permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected.

18. The Permittee shall monitor the wetland mitigation project for 5 full growing seasons after the mitigation project has been constructed. The Permittee shall submit monitoring reports to the Land Use Regulation Program no later than December 30th of each monitoring year (All monitoring report must include the standard items identified in the attachment and the information requested below).

19. All monitoring report will include all the following information (see attached monitoring report checklist):

i. The monitoring reports submitted prior to the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the Permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);

ii. The monitoring reports submitted prior to the final one must include documentation that the site is progressing towards the 85 percent survival and percent areal coverage of mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. If the Permittee is finding problems with the mitigation project and does not anticipate the site will or has achieved the 85 percent survival and 85 percent areal coverage criteria then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;

iii. Documentation to demonstrate that the occurrence of invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria lobata* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail),

Lythrum salicaria (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose) is less than sporadic (appearing singly or at widely scattered locations). If the occurrence of invasive or noxious species is more than sporadic then the monitoring report must include a proposed remediation plan and a time frame in which it will be completed.

iv. Demonstrate through soil borings and a soil test that a minimum six inch layer of top-soil or A-Horizon was used/retained on the mitigation site and if the natural top-soil was used at least 4% organic carbon content (by weight) was incorporated into the A-horizon. If the site fails to meet this standard the monitoring report must include a proposed remediation plan and a time frame in which it will be completed. The final monitoring report must include documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil; and

v. The monitoring reports submitted prior to the final report must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the Permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, tidal data, photographs and field observation notes collected throughout the monitoring period.

20. Once the required monitoring period has expired and the Permittee has submitted the final monitoring report, the Program will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the Permittee demonstrates all of the following:

i. That the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The Permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows 0.48 acres of emergent, 0.08 acres of freshwater Palustrine forested wetlands, 0.8 acres of coastal wetlands have been created and restored 0.034 acres of coastal wetlands, 0.013 acres of open water below mean high water line and enhance 1.33 acres of emergent and scrub/shrub wetlands to fulfill the requirements of this Permit and Permit Nos. 0301-99-0001.3 and 0301-98-0007.3;

ii. The site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;

iii. The occurrence of invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria lobata* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose) is less than sporadic (appearing singly or at widely scattered locations);

iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,

v. That the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, tidal data, photographs and field observation notes collected throughout the monitoring period.

21. If the mitigation project is considered a failure, the Permittee is required to submit a revised mitigation plan to rectify the wetland mitigation site. The plan shall be submitted within 60 days of receipt of the letter from the Program indicating the wetland mitigation project was a failure.

vk/mitconditions2-01

Mark N. Mauriello

Mark N. Mauriello, Director
Land Use Regulation Program

3/15/02

Date